

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

#17
5/21/99
JLh

Applicants: D. DeFeo-Jones et al.

Serial No.: 08/468,161

Case No.: 19253CA

Art Unit:
1811

Filed: March 6, 1998

Examiner:
S. Marshall

For: NOVEL PEPTIDES

The Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

REC'D. -
JUL 31 1998
GROUP 1800

LETTER

Sir:

The above-captioned Continued Prosecution Application (Case 19253CA) was filed by Express Mail on March 6, 1998, prior to the expiration of the period during which Applicants were to pay the Issue Fee for the prior application (Case 19253IB). The CPA Request Transmittal designated the incorrect "prior application number" as well as an incorrect filing date for the prior application and incorrect Express Mail number. That incorrect filing data corresponded to the CPA for the related application Case 19253IC, which was also filed by Express Mail on March 6, 1998.

Applicants are herewith submitting a replacement CPA Request Transmittal which correctly designates the information for the prior application. Applicants are also submitting a copy of the previously submitted CPA Request Transmittal, as well as a copy of the postcard previously submitted and appropriately stamped by the U.S. PTO. Applicants note that the postcard which was submitted and stamped on March 6, 1998 correctly designates Case 19253CA as "a CPA of Case 19253IB". Applicants note that Case 19253IB had Serial. No.

EXPRESS MAIL CERTIFICATE
DATE OF DEPOSIT July 27, 1998
EXPRESS MAIL NO. EM358360059US
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS EXPRESS MAIL "PRIORITY MAIL" IN
AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER
FOR PATENTS, WASHINGTON, D.C. 20231.
MAILED BY JLh
DATE July 27, 1998

08/468,161. Applicants also are submitting a copy of an Information Disclosure Statement submitted with the CPA Request Transmittal which correctly designates the serial number of the Case 19253CA CPA as 08/468,161.

In light of the submitted proofs, Applicants request that the CPA which is a continuation of U.S. Serial. No. 08/468,161 be entered and that examination of that CPA continue the examination of Case 19253IB in light of the new references submitted by the Information Disclosure Statement.

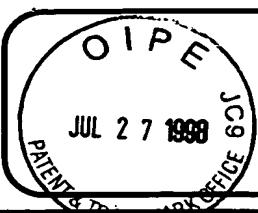
Applicants respectfully thank Ms. Donna Chapman in Group 1600 for assistance in determining what procedures to follow to correct this unintentional error in the preparation of the CPA Request Transmittal.

Respectfully submitted,

By: 
David A. Muthard
Registration No. 35,297
Attorney for Applicants

MERCK & CO., INC.
P.O. Box 2000 - RY 60-30
Rahway, New Jersey 07065-0907
Telephone No. (732) 594-3903

Date: July 27, 1998


**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**
**Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))**

CHECK BOX, if applicable:

 DUPPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	19253CA
	First Named Inventor	D. DeFeo-Jones, et al.
	Express Mail Label No.	EM358360059US
	Total Pages	7 + references

This is a request for a continuation or divisional application under 37 CFR 1.53(d),
 (continued prosecution application (CPA) of prior application number 08 / 468,161,
 filed on 6/6/95, entitled NOVEL PEPTIDES

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions to 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. **DELETE** the following inventor(s) named in the prior application: _____

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- b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

07/30/1998 11:22:55 0000002712275 00468161

01 FC:131

790.00 CH

- a. PTO-1449
- b. Copies of IDS Citations

MAY 8 4 1999

MATRIX CUSTOMER

SERVICE CENTER

[Page 1 of 2] (computer generated form No. C6 - Merck & Co., Inc., 1/98)

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT July 27, 1998

EXPRESS MAIL NO. EM358360059US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" BEFORE 5 P.M. ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, BOX CPA, WASHINGTON, D.C. 20231.

MAILED BY *Frank Samet*

DATE *July 27, 1998*

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS	
	TOTAL CLAIMS (37 CFR 1.16(c))	9	-20 =	0	x \$ 22	
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1	-3=	0	x \$ 82	
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))				+ \$270	
					BASIC FEE (37 CFR 1.16(a))	\$790.00
					TOTAL =	\$790.00

6. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 13-2755:

a. Fees required under 37 CFR 1.16.

b. Fees required under 37 CFR 1.17.

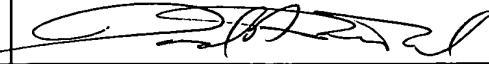
c. Fees required under 37 CFR 1.18.

7. Other: _____

NOTE: *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label	Customer No. 000210				or <input type="checkbox"/> New correspondence address below
(insert Customer No. or Attach bar code label here)					
NAME					
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE		FAX	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	DAVID A. MUTHARD	REGISTRATION NO.	35,297
SIGNATURE			
DATE	7/27/98		



POST OFFICE
TO ADDRESS

The logo for Express Mail. It features a large, bold, italicized 'X' on the left. To the right of the 'X', the word 'EXPRESS' is stacked vertically above 'MAIL'. Below 'EXPRESS' is a horizontal line. To the right of the line, the words 'U.S. POSTAL SERVICE' are stacked vertically. The entire logo is in a dark, serif font.

EXPRESS MAIL U.S. POSTAL SERVICE

EM358360204 South East

CUSTOMER USE ONLY X070505
METHOD OF PAYMENT:

METHOD OF PAYMENT:

**Federal Agency Acct. No. or
State/Local Agency Acct. No.**

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JUL 31 1990
GROUP 1800



POST OFFICE
TO ADDRESSEE

EXPRESS MAIL
UNITED STATES POSTAL SERVICE



EM358360204US

EMS

For Pickup or Tracking Call 1-800-222-1811

ORIGIN (POSTAL USE ONLY):

INTERNATIONAL SHIPMENTS ONLY		P.O. ZIP	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	<input type="checkbox"/> Flat Rate Envelope
		Date in <i>3/6/98</i>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage
		Mo. Day Yr.		S
		Time In	Military	Return Receipt
		<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	C.O.D.
		Weight lbs oz	Int'l Alpha Country Code	
			Total Postage & Fees	
			S	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Acceptance Clerk Initials		

DELIVERY (POSTAL USE ONLY):

Delivery Attempt	Time, AM <input type="checkbox"/> PM <input type="checkbox"/>	Employee Signature
Mo. Day		
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Date of Delivery	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Signature of Addressee or Agent		
X		
Name - Please Print		
X		

CUSTOMER USE ONLY

METHOD OF PAYMENT: **X070505**

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

WAIVER OF SIGNATURE (Domestic Only): I wish delivery to be made without obtaining the signature of the addressee or the addressee's agent (if in the judgment of the delivery employee, the article can be left in a secure location) and I authorize the delivery employee to sign that the shipment was delivered and understand that the signature of the delivery employee will constitute valid proof of delivery.

NO DELIVERY

WEEKEND HOLIDAY

Customer Signature

FROM: (PLEASE PRINT) PHONE _____

MERCK & CO., INC.
PATENT DEPARTMENT
PO BOX 2000
RAHWAY
Attn: David A. Muthard

NJ 07065-0907

TO: (PLEASE PRINT) PHONE _____

ASSISTANT COMMISSIONER
FOR PATENTS
BOX 20231-0001
WASHINGTON DC 20231-0001

L 19253CA

EM358360204US

THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

CASE NUMBER 19253CA	DATE 3/6/98	ATTORNEY DA Muthard	EXPRESS MAIL <input checked="" type="checkbox"/> EM358360204US
TITLE NOVEL PEPTIDES			
INVENTORS D. DeFeo-Jones, et al.		This is a CPA of Case 19253IB	
NO. OF PAGES	NO. OF CLAIMS	PAGES OF DRAWING	
DECLARATIONS		ACCOUNT CHARGE 13 - 2755 \$ 790.00	

F1071.3 REV.9/93

BEST AVAILABLE COPY



PA1
19253 42
THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION: 19253

CASE NUMBER 19253CA	DATE 3/6/98	ATTORNEY DA Muthard	EXPRESS MAIL <input checked="" type="checkbox"/> EM358360204US
TITLE NOVEL PEPTIDES			
INVENTORS D. DeFeo-Jones, et al.		This is a CPA of Case 19253IB	
NO. OF PAGES .	NO. OF CLAIMS	PAGES OF DRAWINGS MAR 08 1998 PATENT & TRADEMARK OFFICE 223	
DECLARATIONS :	ACCOUNT CHARGE 13 - 2755	\$ 790.00	

F1071.3 REV.9/93

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JUL 3, 1998
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